

*ce/lek*  
**ORIGINAL**

Of Counsel:

CRONIN, FRIED, SEKIYA,  
KEKINA & FAIRBANKS

PATRICK F. McTERNAN 4269-0  
HOWARD G. McPHERSON 5582-0  
600 Davies Pacific Center  
841 Bishop Street  
Honolulu, Hawaii 96813  
Telephone: (808) 524-1433  
Facsimile: (808) 536-2073  
E-mail: cfskf@croninfried.com

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

DEC 10 2007  
at 3 o'clock and 10 min. P.M.  
SUE BEITIA, CLERK

MCGUINN, HILLSMAN & PALEFSKY

JOHN R. HILLSMAN (*Pro Hac Vice*)  
535 Pacific Avenue  
San Francisco, California 94133  
Telephone: (415) 421-9292

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CHRISTOPHER MacDONALD,	) CIVIL NO. 02-00084 LEK
	)
Plaintiff,	) PLAINTIFF'S RESPONSE TO
	) DEFENDANT KAHIKOLU, LTD., DBA
vs.	) FROGMAN CHARTERS' PROPOSED
	) FINDINGS OF FACT, CONCLUSIONS
KAHIKOLU, LTD., dba Frogman	) OF LAW AND ORDER AFTER
Charters,	) REMAND, FILED NOVEMBER 29,
	) 2007; EXHIBIT "A"; CERTIFICATE OF
Defendant.	) SERVICE
	)

**PLAINTIFF'S RESPONSE TO DEFENDANT KAHIKOLU, LTD., DBA  
FROGMAN CHARTERS' PROPOSED FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER AFTER REMAND, FILED NOVEMBER 29, 2007**

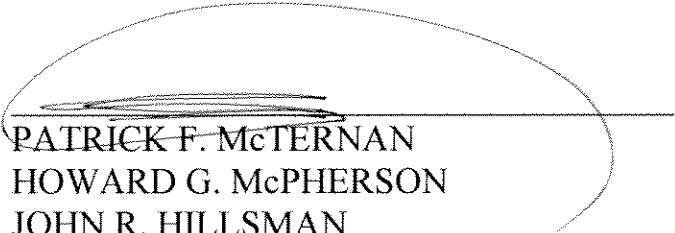
Pursuant to the Court's letter of September 19, 2007 (attached hereto for convenient reference as Exhibit A), Plaintiff Christopher MacDonald hereby responds to Defendant Kahikolu, Ltd.'s Proposed Findings of Fact, Conclusions of Law and Order After Remand (hereinafter Proposed "FOFCOL").

Mr. MacDonald does not object to the form of the Proposed FOFCOL, and does offer any alternative language going to the form.

He does however respectfully disagree with the decision and therefore hereby preserves all objections and rights with respect to substance.

DATED: Honolulu, Hawaii, December 10, 2007.

Respectfully submitted,



PATRICK F. McTERNAN  
HOWARD G. McPHERSON  
JOHN R. HILLSMAN  
Attorneys for Plaintiff